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Attorneys for Debtors and Debtors-in-Possession

**UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF NEVADA**

In re:  
 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

In re:  
 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

Chapter 11

In re:  
 USA CAPITAL DIVERSIFIED TRUST DEED  
 FUND, LLC,  
 Debtor.

Jointly Administered Under  
 Case No. BK-S-06-10725 LBR

In re:  
 USA CAPITAL FIRST TRUST DEED FUND,  
 LLC,  
 Debtor.

In re:  
 USA SECURITIES, LLC,  
 Debtor.

Affects:  
☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Securities, LLC  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC

**DECLARATION OF SUSAN M.  
 SMITH IN SUPPORT OF USA  
 COMMERCIAL MORTGAGE  
 COMPANY'S OPPOSITION TO  
 MOTION FOR ORDER  
 TEMPORARILY ALLOWING THE  
 CLAIM OF DEL AND ERNESTINE  
 BUNCH FOR VOTING PURPOSES**

Date: January 3, 2007  
 Time: 9:30 a.m.

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1 Susan M Smith hereby declares under penalty of perjury that:

2 1. I am a Senior Vice President of Mesirow Financial Consulting and have been  
3 employed since April, 2006 with regard to the Chapter 11 cases USA Commercial  
4 Mortgage Company ("USACM") and its affiliates.


5 2. As part of my duties I have become familiar with the financial transactions  
6 of the USACM in the period before it filed its bankruptcy case and its banking  
7 transactions.

8 3. USACM made payments to Del Bunch by electronic direct deposit. A  
9 payment was made on February 9, 2006 in the amount of \$217,000 and on March 13, 2006  
10 in the amount of \$196,000.

11 4. These payments were made from the account entitled "USA Commercial  
12 Mortgage Collection Trust Account". This is the account which was supposed to be a trust  
13 account in which funds were collected from borrowers and paid to Direct Lenders. The  
14 records of USACM reflect that the monthly payments to Bunch, at least since January,  
15 2005, were made from this particular account.

16 5. These payments to Del Bunch were *not* made from the USA Commercial  
17 Mortgage Operating Account.

18  
19 DATED: December 22, 2006

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21 Susan M. Smith  
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